



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/960,258 | 09/21/2001 | Paramvir Bahl | MS1-0937US | 4336 |
| 22801 7590 06/08/2009 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201 | | | | |
| EXAMINER | | | | |
| REFAI, RAMSEY | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3627 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 06/08/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: PARAMVIR BAHL and ALLEN K.L. MIU

Appeal No. 2008-6263
Application 09/960,258
Technology Center 3600

Mailed: June 8, 2009

Before DALE M. SHAW, *Chief Appeals Administrator*

ORDER REMANDING TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 14, 2008. Upon review of the application, it has been determined that a remand to Examiner, via the Office of the Director of the Technology Center, is necessary to consider the following issues and to take necessary corrective action.

**CLAIM REJECTION WITHOUT CORRESPONDING
GROUND OF REJECTION**

A review of the Final Rejection mailed on March 21, 2006, finds the following status of the claims: claims cancelled: none, claims allowed: none, claims rejected: 1-7, 19-26, and 38-40, claims withdrawn: 45-49.

While claim 26 is listed as rejected, there is no corresponding ground of rejection for this claim. A further review of the file finds that no amendment after final was filed.

A review of the Appeal Brief filed on February 15, 2007, finds that while claim 26 is listed as rejected, there is no corresponding ground of rejection for this claim.

A review of the Examiner's Answer mailed on June 14, 2007, finds that while claim 26 is listed as rejected, there is no corresponding ground of rejection for this claim.

CONCLUSION

Accordingly, it is

ORDERED that this application be returned to the Examiner to:

1) review the above inconsistencies to determine how to clarify the record;

- 2) vacate the Examiner's Answer mailed on June 14, 2007, and
- 3) issue a corrected Examiner's Answer to correct the Grounds of Rejection and to correct other sections of the Answer as may be required;
- 4) include the necessary approval from the TC Director or designee in accordance with MPEP 1207.05, part (B) as may be required for any new grounds of rejection; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/bar

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201